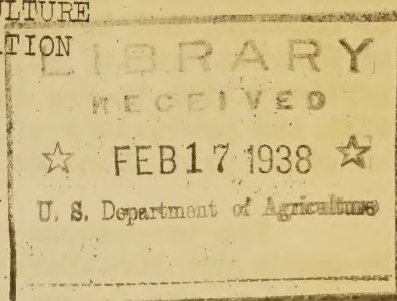


UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION

1938 RANGE CONSERVATION PROGRAM

NORTH CENTRAL REGION

TABLE OF CONTENTS

	<u>Page</u>
General	2
Section I - Definitions	2
Section II - Grazing Capacities	4
Section III - Range Building Allowance	4
Section IV - Conditions of Payment	4
Section V - Eligibility for Payment	4
Section VI - Range Building Practices	5
Section VII - Association Membership and Deduction for Expenses	9
Section VIII - Payments Restricted to Effectuation of Purposes	10
Section IX - Payments Computed and Made Without Regard to Claims	10
Section X - Changes in Leasing Arrangements and Other Devices	10
Section XI - Appeals	11

GENERAL

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of Section 7(a) of said Act in 1938, payments will be made for participation in the 1938 Range Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1938 Agricultural and Range Conservation Programs are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purposes; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation and the extent of national participation in the program. Any increase or decrease in rates of payments made because of the extent of participation in the Agricultural Conservation Program, including the Range Conservation Program, is hereby limited so as not to exceed 10 percent.

The provisions of the 1938 Range Conservation Program in the North Central Region are applicable only to the States of Nebraska and South Dakota except: (1) counties for which special programs under said Act are approved for 1938 by the Secretary; (2) public domain of the United States administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture; and (3) other lands in which the beneficial ownership is in the United States.

SECTION I - DEFINITIONS

As used herein and in all forms and documents relating to the 1938 Range Conservation Program in the North Central Region, the following terms shall have the following meanings:

SECRETARY means the Secretary of Agriculture of the United States.

NORTH CENTRAL REGION means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

NORTH CENTRAL DIVISION means the Division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural and Range Conservation Programs in the North Central Region.

STATE COMMITTEE or STATE AGRICULTURAL CONSERVATION COMMITTEE means the group of persons designated for a State to assist in the administration of the 1938 Agricultural and Range Conservation Programs in such State.

COUNTY AGRICULTURAL CONSERVATION ASSOCIATION or COUNTY ASSOCIATION means the association of the county organized to assist in the administration of the 1938 Agricultural and Range Conservation Programs in such county.

COUNTY COMMITTEE or COUNTY AGRICULTURAL CONSERVATION COMMITTEE means the group of persons elected for any county to assist in the administration of the 1938 Agricultural and Range Conservation Programs in such county.

PERSON means an individual, partnership, association, corporation, estate or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

RANGE-BUILDING PAYMENT means a payment for the carrying out of one or more approved range-building practices.

RANGE-BUILDING ALLOWANCE means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

RANCH OPERATOR means a person who as owner, cash tenant, or share tenant operates, or a person who acts in similar capacity in the operation of, a ranching unit in 1938.

RANGE LAND means any land in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage grazed by range livestock, without cultivation or general irrigation. Range land shall not include public domain of the United States, including lands owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

RANCHING UNIT means all range land which is used in 1938 by the ranch operator as a single unit in producing range livestock, with machinery, workstock, and labor substantially separate from that for any other range land. A ranching unit shall consist of not less than 640 acres of range land. A ranching unit shall be regarded as located in the county in which its principal dwelling is situated or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the ranching unit is located.

ANIMAL UNIT means one cow, one horse, five sheep, or five goats, or the equivalent thereof.

GRAZING CAPACITY OF RANGE LAND means the number of animal units which such land will sustain, on a twelve-month basis, over a period of years without decreasing the stand of grass or other grazing vegetation, and without injury to the forage, tree growth, or watershed.

SECTION II - GRAZING CAPACITIES

A grazing capacity shall be established for each ranching unit for which an application for determination of grazing capacity is received on or before May 15, 1938. In determining grazing capacity, consideration shall be given to the following: (a) composition, palatability, and density of forage growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) presence or absence of rodents and poisonous plant infestations; and (f) number and classes of livestock previously carried. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit established by the Agricultural Adjustment Administration on the basis of available statistics.

SECTION III - RANGE BUILDING ALLOWANCE

The range building allowance shall be two cents per acre times the number of acres of range land in the ranching unit plus \$1.00 times the grazing capacity of the range land in animal units, provided: (1) the grazing capacity item shall not be calculated on more than one animal unit for each 10 acres of range land in the ranching unit; and (2) the acreage item shall not be calculated on more than 60 acres for each animal unit of grazing capacity established for the ranching unit.

SECTION IV - CONDITION OF PAYMENT

The range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit. Payment will be made only if range-building practices are carried out according to specifications prescribed by the State committee and approved by the Director of the North Central Division. Where a portion of the labor, seed, trees, or materials used in carrying out any practice is furnished by a Federal or State agency other than the Agricultural Adjustment Administration, payment will be made for the proportion of the total acreage of the practice, not exceeding the proportion of the total cost, not furnished by the Federal or State agency. No payment will be made for practices carried out with labor, seed, trees, and materials furnished entirely by any Federal or State agency other than the Agricultural Adjustment Administration.

SECTION V - ELIGIBILITY FOR PAYMENT

Application for range-building payment may be made only by ranch operators. Range-building payments will be made to (1) a sole ranch operator, or (2) each ranch operator of a group of two or more ranch operators, provided they all signify in the application for the range-building payment a percentage of the total payment to be made to each ranch operator. In case there are two or more ranch operators, the application must be made by all of them, except that in cases where any ranch operator refuses to sign the application for payment the county committee shall determine the percentage share of each ranch operator

and payment of his percentage share will be made to each ranch operator applying for payment in accordance with such determination.

The net payment for any person with respect to any ranching unit shall be calculated to the nearest whole dollar. In calculating the net payment for any person with respect to any ranching unit, fractions of a dollar amounting to fifty cents or less shall be dropped and fractions of a dollar amounting to more than fifty cents shall be considered as one dollar.

Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment to any ranch operator who fails to file any form or furnish any information required with respect to any ranching unit in which such ranch operator is interested, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the North Central Division. At least two weeks' notice to the public shall be given in advance of the expiration of a time limit for filing prescribed forms.

SECTION VI. - RANGE BUILDING PRACTICES

Within the limits of the range-building allowance, payment will be made for carrying out on range land in 1938 such of the following range-building practices as are requested in writing by the ranch operator and approved by the county committee prior to their institution. Location and specifications of all practices must be approved by the county committee and the range inspector prior to their institution.

PRACTICES AND CONDITIONS OF PAYMENT	RATE OF PAYMENT
<u>A. RESEEDING OF RANGE LAND</u>	
1. Natural reseeding by deferred grazing: For withholding 25 percent or more of the range land in the ranching unit from grazing for the period May 15, 1938, to September 30, 1938, in Nebraska and South Dakota, except a northern portion of South Dakota which may be withheld from grazing for the period of June 1, 1938, to September 30, 1938, when such area has been established by the State committee and approved by the Director of the North Central Division:	Sixty percent of the range-building allowance, provided such rate shall not exceed the equivalent of \$1.25 per animal unit of grazing capacity.

PRACTICES AND CONDITIONS OF PAYMENT

RATE OF PAYMENT

Provided: (1) If grazing is deferred on less than 25 percent and on 10 percent or more of the range land in the ranching unit, a proportionate payment will be made; (2) On ranching units on which cattle or horses are grazed the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent the entry of livestock; (3) On ranching units used exclusively for grazing sheep either the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent entry of livestock or the entry of livestock on the non-grazed acreage is prevented by herding; (4) The remaining range land in such ranching unit is not pastured to such an extent as will decrease the stand of grass or injure the forage, tree growth, or watershed; (5) Such practice shall not be applicable to range land in the ranching unit which normally is not used for grazing during the period from the start of forage growth to seed maturity; (6) Such practice shall not be applicable to range land which was summer grazed in 1937, but is determined to be normal winter range by the range inspector and the county committee; (7) The area to be non-grazed may be all or a part of an area which was non-grazed in 1937, provided such area normally is summer range and is approved by the range inspector and the county committee as a good range conservation practice; (8) The ranch operator has submitted to the county committee in writing the designation of the non-grazing range area of the ranching unit and non-grazing of such area has been approved by the range

PRACTICES AND CONDITIONS OF PAYMENTS	RATE OF PAYMENT
<p>inspector and the county committee previous to the carrying out of such practice; (9) The ranch operator complies with such other conditions or specifications as may be established by the county committee with the approval of the State committee.</p>	
2. Artificial reseeding:	
<p>For reseeding depleted range land from which a crop, other than wild hay, has been harvested or planted for harvest since January 1, 1930, with wheat grass seed, or other adapted varieties of range grass approved by the State committee.</p>	<p>20¢ per pound of seed sown, but not in excess of \$2.00 per acre.</p>
B. <u>EROSION AND RUNOFF CONTROL:</u>	
3. Contour listing, furrowing, or subsoiling.	50¢ per acre.
<p>For construction of contour furrows on range land except range land that is sufficiently sandy and porous to absorb normal precipitation, provided, (1) The area contoured has an average slope not in excess of 8 percent; (2) The contour furrows are dammed sufficiently to prevent gullying; (3) The contour furrows are constructed on the contour level not less than 8 inches in width and 4 inches in depth; (4) The width between the furrows on any land with an average slope of 3 percent or less shall not exceed 25 feet; (5) The width between the furrows on any land with an average slope of more than 3 percent shall not exceed 25 feet less 3 feet for each percent by which the slope is greater than 3 percent.</p>	
4. Spreader dams and terraces:	
<p>Spreader dams and terraces constructed alone or in combination with each other for the diversion of surface water to prevent soil washing of range land according to specifications of the State committee</p>	<p>15¢ per cubic yard for material moved in building the dams, and 40¢ per 100 linear feet of terrace constructed.</p>

PRACTICES AND CONDITIONS OF PAYMENT	RATE OF PAYMENT
<u>C. DEVELOPMENT OF STOCK WATER ON RANGE LAND</u>	
5. Earthen tanks or reservoirs:	
For constructing reservoirs or earthen tanks for the purpose of providing water for range livestock, provided: (1) Spillways are made adequate to prevent the dam from washing out under normal rainfall, and reservoirs or earthen tanks are located where they have a sufficient watershed to insure the filling of such reservoirs or earthen tanks with normal precipitation.	15¢ per cubic yard of fill or excavation.
6. Wells: The location and type of wells must be approved by the range inspector, county committee, and State committee prior to starting drilling or digging of such wells.	
(1) For drilling or digging wells with casing not less than 4 inches in diameter for the purpose of providing water for range livestock provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. Payment will not be made for a well developed at ranching unit headquarters.	\$2.00 per linear foot
(2) For drilling or digging wells with casing less than four inches in diameter, for the purpose of providing water for livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. An artesian well will qualify for payment provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or trough. Payment will not be made for a well developed at ranching unit headquarters.	\$1.00 per linear foot.
7. Development of natural watering places:	
For developing springs or scoops, protecting the source from trampling and conveying the water in a trough or in a pipe not less than one inch in diameter to a tank for the purpose of providing water for range livestock.	40¢ per cubic foot for excavation in soil, or gravel, and 70¢ per cubic foot for excavation in rock.

PRACTICES AND CONDITIONS OF PAYMENT	RATE OF PAYMENT
<u>D. PLANTING AND MAINTAINING A STAND OF TREES</u>	
8. Tree Planting:	
Planting of trees on range land, provided that the trees are planted in 1938 prior to November 1; that the number, kind, and age of trees planted and methods of planting and growing of such trees are in accordance with good tree culture practice; and that the acreage planted to trees is fenced and the fence is maintained sufficiently to prevent the entry of livestock.	\$10.00 per acre.
9. Cultivating and maintaining a stand of trees	\$4.00 per acre.
Cultivating, protecting, and maintaining by replanting, if necessary, a full stand of at least 500 trees per acre of forest planting, or 200 trees per acre of windbreak or shelter-belt plantings planted on cropland or noncropland between January 1, 1934 and January 1, 1938.	

SECTION VII - ASSOCIATION MEMBERSHIP AND DEDUCTION FOR EXPENSES.

Any person who previously has not, in accordance with the Articles of Association, become a member of the county agricultural conservation association of the county in which his farms or ranches are located shall become a member thereof by signing an application under which a payment can be made with respect to such farms or ranches. Any person shall cease to be a member of the association when it becomes evident that he can qualify for a payment in the county in connection with neither the 1938 Agricultural Conservation Program nor the 1938 Range Conservation Program.

There shall be deducted pro rata from the payments made to members of each county agricultural conservation association all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by such association in cooperating in carrying out in such county the purposes of Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act.

SECTION VIII - PAYMENTS RESTRICTED TO EFFECTUATION OF PURPOSES

All or any part of any payment which otherwise would be made to any person under the 1938 Range Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the program, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he adopts any practice which tends to defeat the purposes of a sound conservation program as prescribed by the Director of the North Central Division.

No payment will be made to any person if it is determined by the county committee at the time of the final inspection that with respect to any ranch such person owns or operates, the stand of grass has been decreased or the forage, tree growth, or watershed has been injured by overgrazing in 1938. Such determination shall be made by comparing the area grazed in 1938 to adjacent or nearby non-grazed areas.

SECTION IX - PAYMENTS COMPUTED AND MADE WITHOUT REGARD TO CLAIMS.

Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances, and without regard to any claim or lien against any crop or livestock, or proceeds thereof, in favor of the owner or any other creditor.

SECTION X - CHANGES IN LEASING ARRANGEMENTS AND OTHER DEVICES

No payment will be made to any person who has for 1938 made any change from the 1937 leasing arrangements of range land for the purpose of, or which would have the effect of, diverting to such person any payment to which any lessee would be entitled if the 1937 leasing arrangements of such range land were in effect for 1938. If the State committee finds that any person who files an application for a payment pursuant to the provisions of the 1938 Range Conservation Program has made any change from the 1937 leasing arrangements of such range land or has employed any other scheme or device whatsoever for the purpose of, or which would have the effect of, depriving any other person of any payment or share therein to which such other person otherwise would be entitled, the Secretary may withhold from the person participating in such a scheme or device, or require such person to refund, in whole or in part, the amount of any payment which has been or otherwise would be made to such person for performance in connection with the 1938 Range Conservation Program.

SECTION XI - APPEALS

Any ranch operator who considers himself aggrieved by any recommendation or determination of the county committee with respect to the following matters affecting his ranching unit may, within 15 days after being notified thereof, request the county committee in writing to reconsider the recommendation or determination: (a) eligibility to file an application for payment, (b) grazing capacity established for the range land in such ranching unit, or (c) any other matter affecting the right to or the amount of his payment with respect to the ranching unit. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee, he may, within 15 days after such decision, appeal in writing to the State committee. The State committee shall, within 30 days after the receipt of the appeal, inform such person of its decision. If such person is dissatisfied with the decision of the State committee, he may, within 15 days thereafter, request the Director of the North Central Division to review the decision of the State committee.

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION

WASHINGTON, D. C.

1938 RANGE CONSERVATION PROGRAM—NORTH
CENTRAL REGION JUL 9 1938

U. S. Department of Agriculture
CONTENTS

	Page
SECTION I. Rates of range-building payments.....	2
II. Range-building allowance.....	4
III. Conditions of payment.....	4
IV. Changes in leasing arrangements and other devices.....	5
V. Eligibility for payment.....	6
VI. Payment restricted to effectuation of the purposes of the program.....	6
VII. Payments computed and made without regard to claims.....	7
VIII. Increase in small payments.....	7
IX. Deductions for association expenses.....	8
X. Assignments.....	8
XI. Establishment of grazing capacities.....	8
XII. Determination of county in which a ranching unit is located.....	8
XIII. Appeals.....	9
XIV. Definitions.....	9

Pursuant to the provisions of the 1938 Range Conservation Program Bulletin, as amended March 12, 1938 (RCP-1938-3), May 25, 1938 (RCP-1938-4), issued by the Secretary of Agriculture, and the authority vested thereby in the Agricultural Adjustment Administration, payments will be made for participation in the North Central Region in the 1938 Range Conservation Program in accordance with the provisions of this North Central Region Bulletin 251 (NCR-251) and such modifications thereof or other provisions as may hereafter be made. This North Central Region Bulletin includes all the provisions of said 1938 Range Conservation Program Bulletin which are applicable to the North Central Region, together with certain of the determinations authorized therein to be made by the Agricultural Adjustment Administration or the Director of the North Central Division.

The provisions of the 1938 Range Conservation Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purposes; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation and the extent of national participation in the program. Any increase or decrease in rates of payment made because of the extent of participation in the Range Conservation Program will not exceed 10 percent.

The provisions of the 1938 Range Conservation Program in the North Central Region contained in this bulletin are applicable only to the States of Nebraska and South Dakota except: (1) Jones County, South Dakota; and (2) public domain of the United States, including lands owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States

Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

SECTION I. RATES OF RANGE-BUILDING PAYMENTS

Within the limits of the range-building allowance and subject to the conditions hereinafter set forth, payment will be made for carrying out on range land in 1938 such of the following range-building practices as are recommended for the State by the State committee and approved by the Director of the North Central Division, and as are approved by the county committee for the ranching unit prior to their institution:

PRACTICES AND CONDITIONS OF PAYMENT	RATE OF PAYMENT
<p>A. Reseeding of range land</p> <p>1. Natural reseedling by deferred grazing----- For withholding 25 percent or more of the range land in the ranching unit from grazing for the period May 15, 1938, to September 30, 1938, in Nebraska and South Dakota, except a northern portion of South Dakota, which may be withheld from grazing for the period of June 1, 1938, to September 30, 1938, when such area has been established by the State committee and approved by the Director of the North Central Division: <i>Provided:</i> (1) If grazing is deferred on less than 25 percent and on 10 percent or more of the range land in the ranching unit, a proportionate payment will be made; (2) On ranching units on which cattle or horses are grazed the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent the entry of livestock; (3) On ranching units used exclusively for grazing sheep either the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent entry of livestock or the entry of livestock on the non-grazed acreage is prevented by herding; (4) The remaining range land in such ranching unit is not pastured to such an extent as will decrease the stand of grass or injure the forage, tree growth, or watershed; (5) Such practice shall not be applicable to range land in the ranching unit which normally is not used for grazing during the period from the start of forage growth to seed maturity; (6) Such practice shall not be applicable to range land which was summer grazed in 1937; but is determined to be normal winter range by the range inspector and the county committee; (7) The area to be non-grazed may be all or a part of an area which was non-grazed in 1937, provided such area normally is summer range and is approved by the range inspector and the county committee as a good range conservation practice; (8) The ranch operator has submitted to the county committee in writing the designation of the non-grazing range area of the ranching unit and non-grazing of such area has been approved by the range inspector and the county committee previous to the carrying out of such practice; (9) The ranch operator complies with such other conditions or specifications as may be established by the county committee with the approval of the State committee where the county committee determines that such additional conditions or specifications are needed in the interest of range conservation.</p>	<p>60 percent of the range-building allowance, provided such rate shall not exceed the equivalent of \$1.25 per animal unit of grazing capacity.</p>

PRACTICES AND CONDITIONS OF PAYMENT

RATE OF PAYMENT

A. Reseeding of range land—Continued**2. Artificial reseeding** -----

For reseeding depleted range land from which a crop, other than wild hay, has been harvested or planted for harvest since January 1, 1930, with wheat grass seed, or other adapted varieties of range grass approved by the State committee.

20 cents per pound of seed sown, but not in excess of \$2.00 per acre.

B. Erosion and runoff control**3. Contour listing, furrowing, or subsoiling** -----

For construction of contour furrows on range land except range land that is sufficiently sandy and porous to absorb normal precipitation, provided, (1) The area contoured has an average slope not in excess of 8 percent; (2) The contour furrows are dammed sufficiently to prevent gully-ing; (3) The contour furrows are constructed on the contour level not less than 8 inches in width and 4 inches in depth; (4) The width between the furrows on any land with an average slope of 3 percent or less shall not exceed 25 feet; (5) The width between the furrows on any land with an average slope of more than 3 percent shall not exceed 25 feet less 3 feet for each percent by which the slope is greater than 3 percent.

50 cents per acre.

4. Spreader dams and terraces: Spreader dams and terraces constructed alone or in combination with each other for the diversion of surface water to prevent soil washing of range land according to specifications of the State committee.**(a) Spreaders dam** -----

15 cents per cubic yard for material moved in building the dams.

(b) Spreader terraces -----

40 cents per 100 linear feet of terrace constructed.

C. Development of stock water on range land**5. Earthen tanks or reservoirs** -----

For constructing reservoirs or earthen tanks for the purpose of providing water for range livestock, provided: (1) Spillways are made adequate to prevent the dam from washing out under normal rainfall, and reservoirs or earthen tanks are located where they have a sufficient watershed to insure the filling of such reservoirs or earthen tanks with normal precipitation.

15 cents per cubic yard of fill or excavation.

6. Wells: The location and type of wells must be approved by the range inspector, county committee, and State committee prior to starting drilling or digging of such wells:

(a) For drilling or digging wells with casing not less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. Payment will not be made for a well developed at ranching unit headquarters.

\$2.00 per linear foot.

PRACTICES AND CONDITIONS OF PAYMENT	RATE OF PAYMENT
C. Development of stock water on range land—Contd.	
(b) For drilling or digging wells with casing less than 4 inches in diameter, for the purpose of providing water for livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. An artesian well will qualify for payment provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or trough. Payment will not be made for a well developed at ranching unit headquarters.	\$1.00 per linear foot.
7. Development of natural watering places: For developing springs or seeps, protecting the source from trampling and conveying the water in a trough or in a pipe not less than one inch in diameter to a tank, for the purpose of providing water for range livestock.	
(a) For excavation in soil or gravel-----	40 cents per cubic foot.
(b) For excavation in rock-----	70 cents per cubic foot.
D. Planting and maintaining a stand of trees	
8. Tree planting----- Planting of trees on range land, provided that the trees are planted in 1938 prior to November 1; that the number, kind, and age of trees planted and methods of planting and growing of such trees are in accordance with good tree culture practice; and that the acreage planted to trees is fenced and the fence is maintained sufficiently to prevent the entry of livestock.	\$10.00 per acre.
9. Cultivating and maintaining a stand of trees----- Cultivating, protecting, and maintaining by replanting, if necessary, a full stand of at least 500 trees per acre of forest planting, or 200 trees per acre of windbreak or shelter-belt plantings planted on cropland or noncropland between January 1, 1934, and January 1, 1938.	\$4.00 per acre.

SECTION II. RANGE-BUILDING ALLOWANCE

The range-building allowance shall be two cents per acre times the number of acres of range land in the ranching unit plus \$1.00 times the grazing capacity of the range land in animal units, provided: (1) the grazing capacity item shall not be calculated on more than one animal unit for each 10 acres of range land in the ranching unit; and (2) the acreage item shall not be calculated on more than 60 acres for each animal unit of grazing capacity established for the ranching unit.

SECTION III. CONDITIONS OF PAYMENT

A. The range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit. Payment will be made only if range-building practices are carried out according to specifications recommended by the State committee and approved by the Director of the North Central Division. Payments made for carrying out range-building practices shall not be subject to

the provisions of Section V of North Central Region Bulletin 201 (NCR-201) issued by the Agricultural Adjustment Administration.

B. No payment will be made for practices carried out with labor, seed, trees, and materials furnished entirely by any State or Federal agency, or for practices with respect to which a portion of the labor, seed, trees, or other materials used in carrying out such practices is furnished by a State or Federal agency, if such portion represents one-half or more of the total cost of carrying out such practices. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency, and such portion represents less than one-half of the total cost of carrying out such practice, payment will be made for such practice at one-half of the rate specified in Section I.

C. Any person who knowingly plants cotton on his farm in 1938 on acreage in excess of the cotton acreage allotment established for the farm for 1938 shall not be eligible for any payment under the provisions of the 1938 Range Conservation Program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1938 on acreage in excess of the cotton acreage allotment for the farm for 1938 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of his allotment is mailed to him prior to the completion of the planting (seeding) of cotton on the farm unless such person establishes the fact that the excess acreage planted to cotton was due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton thereon in 1938.

SECTION IV. CHANGES IN LEASING ARRANGEMENTS AND OTHER DEVICES

A. No payment will be made to any person who has for 1938 made any change from the 1937 leasing arrangements of range land for the purpose of, or which would have the effect of, diverting to such person any payment to which any lessee would be entitled if the 1937 leasing arrangements of such range land were in effect for 1938. If the State committee finds that any person who files an application for a payment pursuant to the provisions of the 1938 Range Conservation Program has made any change from the 1937 leasing arrangements of such range land or has employed any other scheme or device whatsoever for the purpose of, or which would have the effect of, depriving any other person of any payment or share therein to which such other person otherwise would be entitled, the Secretary may withhold in whole or in part from the person participating in such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or otherwise would be made to such person for performance in connection with the 1938 Range Conservation Program.

B. If on any ranching unit in 1938 any change of the leasing arrangements which existed on the ranching unit in 1937 is made between the landlord and the tenants and such change would cause a greater proportion of the payment to be made to the landlord under the 1938 Range Conservation Program than would have been made to

the landlord for performances on the ranching unit under the 1937 Range Conservation Program, payment to the landlord under the 1938 Range Conservation Program with respect to the ranching unit shall not be greater than the amount that would have been paid to the landlord if the arrangements which existed on the ranching unit in 1937 had been continued in 1938, if the county committee certifies that the change is not justified and disapproves such change.

C. If on any ranching unit the number of tenants in 1938 is less than the average number on the ranching unit during the years 1935 to 1937, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord, such payments to the landlord shall not be greater than the amount that would otherwise be made if the county committee certifies that the reduction is not justified and disapproves such reduction.

SECTION V. ELIGIBILITY FOR PAYMENT

A. Application for range-building payment may be made only by ranch operators. Range-building payments will be made to (1) a sole ranch operator, or (2) each ranch operator of a group of two or more ranch operators, provided they all signify in the application for the range-building payment a percentum of the total payment to be made to each ranch operator. In case there are two or more ranch operators, the application must be made by all of them, except that in cases where any ranch operator refuses to sign the application for payment the county committee shall determine the percentage share of each ranch operator and payment of his percentage share will be made to each ranch operator applying for payment in accordance with such determination.

B. Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment to any ranch operator who fails to file any form or furnish any information required with respect to any ranching unit in which such ranch operator is interested, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the North Central Division. At least two weeks' notice to the public shall be given in advance of the expiration of a time limit for filing prescribed forms.

SECTION VI. PAYMENT RESTRICTED TO EFFECTUATION OF THE PURPOSES OF THE PROGRAM

All or any part of any payments which otherwise would be made to any person under the 1938 Range Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the program, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he adopts any practice which the Director of the North Central Division finds is contrary to sound conservation practices.

No payment will be made to any person if it is determined in accordance with instructions issued by the Agricultural Adjustment Administration that, with respect to any ranch which he owns or operates, the stand of grass has been decreased or the forage, tree growth or watershed has been injured by overgrazing in 1938.

SECTION VII. PAYMENTS COMPUTED AND MADE WITHOUT REGARD TO CLAIMS

Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in Section X), and without regard to any claim or lien against any crop or livestock, or proceeds thereof, in favor of the owner or any other creditor.

SECTION VIII. INCREASE IN SMALL PAYMENTS

The total payment computed for any person with respect to any ranching unit shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to \$1.00.

(2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent.

(3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1.00 to \$1.99-----	\$0. 40	\$32.00 to \$32.99-----	\$10. 40
\$2.00 to \$2.99-----	. 80	\$33.00 to \$33.99-----	10. 60
\$3.00 to \$3.99-----	1. 20	\$34.00 to \$34.99-----	10. 80
\$4.00 to \$4.99-----	1. 60	\$35.00 to \$35.99-----	11. 00
\$5.00 to \$5.99-----	2. 00	\$36.00 to \$36.99-----	11. 20
\$6.00 to \$6.99-----	2. 40	\$37.00 to \$37.99-----	11. 40
\$7.00 to \$7.99-----	2. 80	\$38.00 to \$38.99-----	11. 60
\$8.00 to \$8.99-----	3. 20	\$39.00 to \$39.99-----	11. 80
\$9.00 to \$9.99-----	3. 60	\$40.00 to \$40.99-----	12. 00
\$10.00 to \$10.99-----	4. 00	\$41.00 to \$41.99-----	12. 10
\$11.00 to \$11.99-----	4. 40	\$42.00 to \$42.99-----	12. 20
\$12.00 to \$12.99-----	4. 80	\$43.00 to \$43.99-----	12. 30
\$13.00 to \$13.99-----	5. 20	\$44.00 to \$44.99-----	12. 40
\$14.00 to \$14.99-----	5. 60	\$45.00 to \$45.99-----	12. 50
\$15.00 to \$15.99-----	6. 00	\$46.00 to \$46.99-----	12. 60
\$16.00 to \$16.99-----	6. 40	\$47.00 to \$47.99-----	12. 70
\$17.00 to \$17.99-----	6. 80	\$48.00 to \$48.99-----	12. 80
\$18.00 to \$18.99-----	7. 20	\$49.00 to \$49.99-----	12. 90
\$19.00 to \$19.99-----	7. 60	\$50.00 to \$50.99-----	13. 00
\$20.00 to \$20.99-----	8. 00	\$51.00 to \$51.99-----	13. 10
\$21.00 to \$21.99-----	8. 20	\$52.00 to \$52.99-----	13. 20
\$22.00 to \$22.99-----	8. 40	\$53.00 to \$53.99-----	13. 30
\$23.00 to \$23.99-----	8. 60	\$54.00 to \$54.99-----	13. 40
\$24.00 to \$24.99-----	8. 80	\$55.00 to \$55.99-----	13. 50
\$25.00 to \$25.99-----	9. 00	\$56.00 to \$56.99-----	13. 60
\$26.00 to \$26.99-----	9. 20	\$57.00 to \$57.99-----	13. 70
\$27.00 to \$27.99-----	9. 40	\$58.00 to \$58.99-----	13. 80
\$28.00 to \$28.99-----	9. 60	\$59.00 to \$59.99-----	13. 90
\$29.00 to \$29.99-----	9. 80	\$60.00 to \$185.99-----	14. 00
\$30.00 to \$30.99-----	10. 00	\$186.00 to \$199.99-----	(1)
\$31.00 to \$31.99-----	10. 20	\$200.00 and over-----	(2)

¹ Increase to \$200.00.

² No increase.

SECTION IX. DEDUCTIONS FOR ASSOCIATION EXPENSES

There shall be deducted pro rata from the payments with respect to any ranching unit all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the ranching unit is located.

SECTION X. ASSIGNMENTS

Any person who may be entitled to a payment in connection with the 1938 Range Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1938. No such assignment will be recognized unless (1) the assignment is made in writing upon Form ACP-69 in accordance with instructions issued by the Agricultural Adjustment Administration and is filed in the office of the county agricultural conservation association; (2) the ranch operator files with the assignment a statement that the assignment is made to pay or secure an indebtedness incurred in connection with financing the making of a crop in 1938 and not to pay or secure any preexisting indebtedness; and (3) the person to whom such assignment is made certifies that the payment is being assigned without discount for such purpose. For the purposes of this section the making of a crop shall be deemed to include the carrying out of range-building practices.

Nothing contained in this Section X shall be construed to give an assignee a right to any payment other than that to which the ranch operator is entitled, nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the ranch operator without regard to the existence of any such assignment.

SECTION XI. ESTABLISHMENT OF GRAZING CAPACITIES

There shall be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received on or before a date established by the Director of the North Central Division as affording reasonable opportunity for the filing of such applications. In determining grazing capacity, consideration shall be given to the following: (a) composition, palatability, and density of forage growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) presence or absence of rodents and poisonous plant infestations; and (f) number and classes of livestock previously carried. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit established by the Agricultural Adjustment Administration on the basis of available statistics.

SECTION XII. DETERMINATION OF COUNTY IN WHICH A RANCHING UNIT IS LOCATED

A ranching unit shall be regarded as located in the county in which its principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the ranching unit is located.

SECTION XIII. APPEALS

Any person who considers himself aggrieved by any recommendation or determination of the county committee with respect to any ranching unit in which he has an interest may, within 15 days after notice thereof is forwarded to or available to him, request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters: (a) eligibility to file an application for payment, (b) grazing capacity established for the range land in such ranching unit, or (c) any other matter affecting the right to or the amount of his payment with respect to the ranching unit. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee he may, within 15 days after such decision is forwarded to or made available to him, request the Director of the North Central Division to review the decision of the State committee.

SECTION XIV. DEFINITIONS

For the purposes of the 1938 Range Conservation Program—

SECRETARY means the Secretary of Agriculture of the United States.

NORTH CENTRAL REGION means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

DIRECTOR of the North Central Division means the director of the division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural Conservation Program and the 1938 Range Conservation Program in the North Central Region.

STATE COMMITTEE means the group of persons designated for any State to assist in the administration of the 1938 Agricultural Conservation Program and the 1938 Range Conservation Program in such State.

COUNTY COMMITTEE means the group of persons elected for any county to assist in the administration of the 1938 Agricultural Conservation Program and the 1938 Range Conservation Program in such county.

PERSON means an individual, partnership, association, corporation, estate, or trust, and wherever applicable a State, a political subdivision of a State, or any agency thereof.

RANGE-BUILDING PAYMENT means a payment for the carrying out of one or more approved range-building practices.

RANGE-BUILDING ALLOWANCE means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

RANCH OPERATOR means a person who as owner, cash tenant, or share tenant operates, or a person who acts in a similar capacity in the operation of, a ranching unit in 1938.

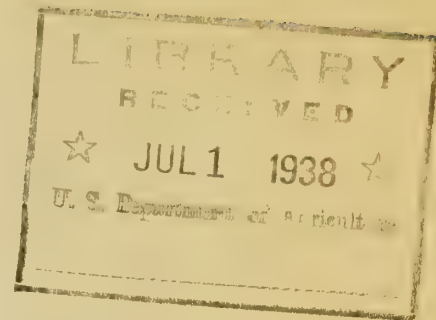
RANGE LAND means any land in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage grazed by range livestock, without cultivation or general irrigation. Range land shall not include public domain of the United States, including lands owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture and other lands in which the beneficial ownership is in the United States.

RANCHING UNIT means all range land which is used in 1938 by the ranch operator as a single unit in producing range livestock, with machinery, workstock, and labor substantially separate from that for any other range land. A ranching unit shall consist of not less than 640 acres of range land.

ANIMAL UNIT means one cow, one horse, five sheep, or five goats, or the equivalent thereof.

GRAZING CAPACITY OF RANGE LAND means the number of animal units which such land will sustain, on a 12-month basis, over a period of years without decreasing the stand of grass or other grazing vegetation, and without injury to the forage, tree growth, or watershed.

June 9, 1938

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION-----
1938 Jones County, South Dakota,
Range Conservation Program Bulletin
-----CONTENTS

	<u>Page</u>
Section I. Range-Building Allowance	2
II. Payment for Full Performance	2
III. Conditions of Payment	2
IV. Changes in Leasing Arrangements and Other Devices	3
V. Eligibility for Payment	4
VI. Payment Restricted to Effectuation of the Purposes of the Program	5
VII. Payments Computed and Made Without Regard to Claims	5
VIII. Increase in Small Payments	5
IX. Deductions for Association Expenses	6
X. Assignments	6
XI. Establishment of Grazing Capacities	7
XII. Establishment of Range-Building Goals	7
XIII. Determination of County in Which a Ranching Unit is Located	10
XIV. Appeals	10
XV. Definitions	10

1938 JONES COUNTY, SOUTH DAKOTA,
RANGE CONSERVATION PROGRAM BULLETIN

This bulletin sets forth provisions for establishing an individual range building goal to be attained as quickly as possible and at least by the end of three years, and yearly cumulative goals which should be attained by the end of each respective year and which accumulate to equal the three-year range-building goal. Subject to the provisions of this bulletin and within the yearly range-building allowance, payment will be made for the attainment of these separate yearly goals. Goals in all cases include the retention of 20 percent of the annual growth of palatable forage at the end of the grazing season, the showing of performance of a designated quantity of practices listed in this bulletin, and may include at the discretion of the committee the performance of additional non-listed range-building practices considered essential to the conservation of the range land in the ranching unit. All payments are contingent upon the attaining of the yearly cumulative goal; there is no provision for partial performance. For those ranches for which the number of units of listed practices in the cumulative goal for the year in question is no larger than the number of units of such practices in the cumulative goal for the previous year, a payment of 75 percent of the annual range-building allowance will be made, provided the requirements of the goal for that year are met.

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of Section 7(a) of said Act in 1938, payments will be made for participation in the 1938 Jones County, South Dakota, Range Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other revisions as may hereafter be made.

The provisions of this program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereinafter enact; the making of the payments herein provided are contingent upon such appropriations as the Congress may hereinafter provide and such payments may be increased or decreased, by not more than 10 percent, depending upon the extent of participation in the 1938 Range Conservation Program.

The provisions of the 1938 Jones County, South Dakota, Range Conservation Program contained in the bulletin are not applicable (1) to counties other than Jones County, South Dakota, and (2) to public domain of the United States, and other lands in which the beneficial ownership is in the United States.

The provisions of this bulletin are to be renewed each year through 1940 except in case the Agricultural Adjustment Administration finds that (1) the national range program has been modified in such manner as to adopt the essential provisions of the Jones County, South Dakota, Program or is otherwise modified in such manner as to indicate a continuation of the Jones County Program is unnecessary or undesirable, or (2) the resulting performance under this program has proven it is not administratively feasible, and that it is not contributing to the improvement of the national range program, or for other reasons indicates its continuation is undesirable, or (3) modifica-

tions of the Soil Conservation and Domestic Allotment Act, as amended, or the Agricultural Adjustment Act of 1938 are such as to prohibit its continuation, or are such as to indicate its continuation is not administratively advisable.

Section I. Range-Building Allowance. The range-building allowance shall be \$1.40 times the grazing capacity (expressed as animal units) of the range land in the ranching unit, provided, that this item shall not be calculated on more than one animal unit for each ten acres of range land in the ranching unit.

Section II. Payment for Full Performance.

A. For those ranches for which the quantity of practices selected from subsection C, Section XII, which are in the cumulative goal for the year in question is in excess of the quantity of practices selected from subsection C, Section XII, which are in the cumulative goal for the previous year, payment will be made for attaining the goal for the year in question in an amount which shall be equal to the yearly range-building allowance.

B. For those ranches for which the quantity of practices selected from subsection C, Section XII, which are in the cumulative goal for the year in question is not in excess of the quantity of practices selected from subsection C, Section XII, which are in the cumulative goal for the previous year, payment will be made for attaining the goal for the year in question in an amount equal to 75 percent of the yearly range-building allowance.

Section III. Conditions of Payment.

A. No payment will be made with respect to any ranching unit for which the yearly range building goal does not include the following practices and unless full performance is shown for those practices on that ranching unit.

1. Natural reseeding by limited grazing to assure that 20 percent of the palatable forage growth is retained at the end of the grazing season on all range land in that ranching unit, as indicated by comparison with adjacent non-grazed check-plot areas specified for the ranching unit, supplemented if specified in the range building goal by deferred or rotational grazing, provided if deferred or rotational grazing is specified for the ranching unit the conditions of grazing shall be as follows:

- (a) Upon ranching units on which cattle or horses are grazed, the area to be kept free of grazing shall be fenced and the fences maintained sufficiently to prevent the entry of livestock;
- (b) on ranching units used exclusively for grazing sheep, either the area to be kept free of grazing shall be fenced and the fence maintained sufficiently to prevent entry of livestock or the entry of livestock on the non-grazed area shall be prevented by herding;

- (c) the remaining range land in such ranching unit shall not be pastured to such an extent as will decrease the stand of grass or injure the forage, tree growth or water shed;
- (d) such practices shall not be applicable to range land in the ranching unit which normally is not used for grazing during the period from the start of the forage growth to seed maturity.

Provided further, if because of fire, insect or rodent damage, or other uncontrollable causes, the palatable forage growth in the check-plot areas is not representative of the palatable forage growth upon the range land in the ranching unit at large, no payment will be made with respect to that ranching unit unless it can be established by the operator that the number of animal units grazed upon the ranching unit during the grazing season did not exceed the number of animal units in the grazing capacity for that ranching unit.

B. No payment will be made with respect to any ranching unit unless the performance for those practices which are included as a part of the range building goal and the respective yearly cumulative goals for that ranching unit, but not listed in subsection C, Section XII, is shown in the year specified and in a manner satisfactory to the State and county committee.

C. Practices listed in subsection C, Section XII, which are a part of the range building goal and which are carried out with labor or materials furnished by any State or Federal agency shall not be eligible in the year of performance for meeting the range building goal if the portion of the labor or materials furnished by any State or Federal agency represents one-half or more of the total cost of carrying out such practices. If the portion of the labor or materials, used in carrying out such practices furnished by any State or Federal agency represents less than one-half of the total cost of carrying out such practices, one-half of the amount of such practices shall be eligible in the year of performance for use in attaining the range building goal for the ranching unit.

D. No payment will be made with respect to any ranching unit in excess of the range-building allowance for such ranching unit. No range-building practice shall be eligible for use in attaining the range building goal unless carried out according to specifications recommended by the State committee and approved by the Director of the North Central Division. All such practices must be in a proper state of maintenance at the time of checking performance.

E. Payments made for attaining the range building goal for a ranching unit shall not be subject to the provisions of Section V of the Agricultural Conservation Program bulletin, as amended.

Section IV. Changes in Leasing Arrangements and Other Devices.

A. No payment will be made to any person who has for 1938 made any change from the 1937 leasing arrangements of range land for the purpose of,

or which would have the effect of, diverting to such person any payment to which any lessee would be entitled if the 1937 leasing arrangements of such range land were in effect for 1938. If the State committee finds that any person who files an application for a payment pursuant to the provisions of the 1938 Jones County, South Dakota, Range Conservation Program has made any changes from the 1937 leasing arrangements of such range land or has employed any other scheme or device whatsoever for the purpose of, or which would have the effect of, depriving any other person of any payment or share therein to which such other person otherwise would be entitled, the Secretary may withhold in whole or in part from the person participating in such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or otherwise would be made to such person for performance in connection with the 1938 Jones County, South Dakota, Range Conservation Program.

B. If on any ranching unit in 1938 any change of the leasing arrangements which existed on the ranching unit in 1937 is made between the landlord and the tenants and such change would cause a greater proportion of the payment to be made to the landlord under the 1938 Jones County, South Dakota, Range Conservation Program than would have been made to the landlord for performance on the ranching unit under the 1937 Range Conservation Program, payment to the landlord under the 1938 Jones County, South Dakota, Range Conservation Program with respect to the ranching unit shall not be greater than the amount that would have been paid to the landlord if the arrangements which existed on the ranching unit in 1937 had been continued in 1938, if the county committee certifies that the change is not justified and disapproves such change.

C. If on any ranching unit the number of tenants in 1938 is less than the average number on the ranching unit during the years 1935 to 1937, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord, such payments to the landlord shall not be greater than the amount that would otherwise be made if the county committee certifies that the reduction is not justified and disapproves such reduction.

Section V. Eligibility for Payment.

A. Application for range-building payment may be made only by ranch operators. Range-building payments will be made to (1) a sole ranch operator, or (2) each ranch operator of a group of two or more ranch operators, provided they all signify in the application for the range-building payment a percentum of the total payment to be made to each ranch operator. In case there are two or more ranch operators, the application must be made by all of them, except that in cases where any ranch operator refuses to sign the application for payment the county committee shall determine the percentage share of each ranch operator and payment of his percentage share will be made to each ranch operator applying for payment in accordance with such determination.

B. Any person who knowingly plants cotton on any farm in 1938 on acreage in excess of the cotton acreage allotment established for the farm for 1938 shall not be eligible for any payment under the provisions of the 1938 Jones County, South Dakota, Range Conservation Program. Any person

having an interest in the cotton crop on a farm on which cotton is planted in 1938 on acreage in excess of the cotton acreage allotment for the farm for 1938, shall be presumed to have knowingly planted cotton on such farm on acreage in excess of such farm cotton acreage allotment, if notice of his allotment is mailed to him prior to the completion of the seeding of cotton on the farm unless such person establishes the fact that the excess acreage planted to cotton was due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton thereon in 1938.

C. Payments will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment to any ranch operator who fails to file any form or furnish any information required with respect to any ranching unit in which such ranch operator is interested, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Director of the North Central Division. At least two weeks' notice to the public shall be given in advance of the expiration of a time limit for filing prescribed forms.

Section VI. Payment Restricted to Effectuation of the Purposes of the Program. All or any part of any payments which otherwise would be made to any person under the 1938 Jones County, South Dakota, Range Conservation Program may be withheld (1) if he has adopted any practice or been a party to the establishment of any goals which the Secretary determines tend to defeat any of the purposes of this program, (2), if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he adopts any practice which the Director of the North Central Division finds is contrary to sound conservation practices.

No payment will be made to any person if it is determined in accordance with instructions issued by the Agricultural Adjustment Administration, that with respect to any ranch which he owns or operates, the stand of grass has been decreased or the forage, tree growth, or watershed has been injured by overgrazing in 1938.

Section VII. Payments Computed and Made Without Regard to Claims.

Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in Section X), and without regard to any claim or lien against any crop or livestock, or proceeds thereof, in favor of the owner or any other creditor.

Section VIII. Increase in Small Payments. The total payment computed for any person for any year with respect to any ranching unit shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.00;

(2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;

(3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of pay- ment computed	: Increase in : payment	Amount of pay- ment computed	: Increase in : payment
\$1.00 to 1.99	\$0.40	\$32.00 to 32.99	10.40
2.00 to 2.99	0.80	33.00 to 33.99	10.60
3.00 to 3.99	1.20	34.00 to 34.99	10.80
4.00 to 4.99	1.60	35.00 to 35.99	11.00
5.00 to 5.99	2.00	36.00 to 36.99	11.20
6.00 to 6.99	2.40	37.00 to 37.99	11.40
7.00 to 7.99	2.80	38.00 to 38.99	11.60
8.00 to 8.99	3.20	39.00 to 39.99	11.80
9.00 to 9.99	3.60	40.00 to 40.99	12.00
10.00 to 10.99	4.00	41.00 to 41.99	12.10
11.00 to 11.99	4.40	42.00 to 42.99	12.20
12.00 to 12.99	4.80	43.00 to 43.99	12.30
13.00 to 13.99	5.20	44.00 to 44.99	12.40
14.00 to 14.99	5.60	45.00 to 45.99	12.50
15.00 to 15.99	6.00	46.00 to 46.99	12.60
16.00 to 16.99	6.40	47.00 to 47.99	12.70
17.00 to 17.99	6.80	48.00 to 48.99	12.80
18.00 to 18.99	7.20	49.00 to 49.99	12.90
19.00 to 19.99	7.60	50.00 to 50.99	13.00
20.00 to 20.99	8.00	51.00 to 51.99	13.10
21.00 to 21.99	8.20	52.00 to 52.99	13.20
22.00 to 22.99	8.40	53.00 to 53.99	13.30
23.00 to 23.99	8.60	54.00 to 54.99	13.40
24.00 to 24.99	8.80	55.00 to 55.99	13.50
25.00 to 25.99	9.00	56.00 to 56.99	13.60
26.00 to 26.99	9.20	57.00 to 57.99	13.70
27.00 to 27.99	9.40	58.00 to 58.99	13.80
28.00 to 28.99	9.60	59.00 to 59.99	13.90
29.00 to 29.99	9.80	60.00 to 185.99	14.00
30.00 to 30.99	10.00	186.00 to 199.99	Increase to 200.00
31.00 to 31.99	10.20	200.00 and over	No increase

Section IX. Deductions for Association Expenses. There shall be deducted pro rata from the payments with respect to any ranching unit all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the ranching unit is located.

Section X. Assignments. Any person who may be entitled to any payment in connection with the 1938 Agricultural Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1938. No such assignment

will be recognized unless (1) the assignment is made in writing on Form ACP-69 in accordance with instructions issued by the Agricultural Adjustment Administration, and is filed in the office of the county agricultural conservation association; (2) the farmer files with the assignment a statement that the assignment is made to pay or secure an indebtedness incurred in connection with financing the making of a crop in 1938 and not to pay or secure any pre-existing indebtedness; and (3) the person to whom such assignment is made certifies that the payment is being assigned without discount for such purpose.

Nothing contained in this Section X shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

Section XI. Establishment of Grazing Capacities. There shall be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received on or before a date established by the Director of the North Central Division as affording reasonable opportunity for the filing of such applications. In determining grazing capacity, consideration shall be given to the following: (a) composition, palatability, and density of forage growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) presence or absence of rodents and poisonous plant infestations; and (f) number and classes of livestock previously carried. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit established by the Agricultural Adjustment Administration on the basis of available statistics.

Section XII. Establishment of Range-Building Goals.

A. Range-Building Goal. There shall be established for each ranching unit a range-building goal which shall consist of that list of practices, requirements, and methods of range management most suited to the promotion of an economic and conservation use of the range, and the assurance that the range will not be stocked in excess of the sustainable grazing capacity of the range land in the ranching unit. This goal shall be one which is attainable at least by the end of 1940, but shall not be one which is attainable, within the limits of the range-building allowance, prior to 1940 unless it can be shown that the performance of additional range-building practices or of additional units of the same range-building practice will contribute nothing further to the effectuation of the purposes of this program. This goal shall include only those practices the performance of which is to occur during the period November 1, 1937, to October 31, 1940. This goal shall be developed at the beginning of the 1938 grazing season by the State and county committees and the ranch operator.

B. Yearly Cumulative Goal. Within the range-building goal, and subject to approval by the State committee, yearly cumulative goals shall be established for each ranching unit which shall be used as a basis for determining performance in each respective year. These yearly range-building goals shall

accumulate in the least number of years possible to the range-building goal for the ranching unit. The yearly cumulative goals shall be such as to require performance in keeping with the size of the range-building allowance. The county committee shall not establish for any ranching unit a yearly cumulative goal consisting of practices selected from subsection C, Section XII, in excess of the quantity of practices selected therefrom in the yearly cumulative goal for the preceding year, unless the performance required to attain such goal is reasonably commensurate with the additional payment which will be made for that performance. The yearly cumulative goal for any year shall be deemed to have been accomplished, if at the time of checking performance for that year, the practices outlined in the goal are found to have been carried out and maintained on the ranching unit in accordance with the specifications set forth for such practices. For this purpose it is to be assumed that performance of the practice "natural reseeding by limited grazing" and its attendant requirements as indicated in Section III, A, 1, is worth 40 percent of the yearly range-building allowance. In establishing the yearly cumulative range-building goal the practices listed in subsection C below, with the assigned rates shall be used as a guide. No rates shall apply to other requirements or practices but shall be considered necessary contributions of the ranch operator upon which all payments are contingent.

In the event of a change in the identity of the ranching unit after the establishment of the range-building goal, or the yearly cumulative goals, the appropriate modifications shall be made in these goals for the ranching unit.

C. Range-Building Practices.

1. Reseeding of Range Land:

- | | |
|---|--|
| a. Reseeding depleted range land with good seed of adapted varieties of range grasses, legumes, or forage shrubs. | \$0.20 per pound specified but not in excess of \$2.00 per acre. |
|---|--|

2. Erosion and Runoff Control:

- b. (1) Contour listing, furrowing, or subsoiling:

For listing, furrowing, or subsoiling range land on the contour.	\$0.50 per acre.
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- (2) Contour ridging:

For ridging range land on the contour.	\$0.10 per 100 linear feet.
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- c. Spreader dams and terraces:

For constructing spreader dams

and spreader terraces alone
or in combination with each other
for the diversion of surface water
to prevent soil washing of range
land,

- | | |
|------------------------|--|
| (1) Spreader dams. | \$0.15 per
cubic yard
of material. |
| (2) Spreader terraces. | \$0.40 per 100
linear feet. |

3. Development of Stock Water on Range Land.

- | | |
|---------------------------------|---|
| d. Excavations, dams, or fills: | \$0.15 per
cubic yard
of fill or
excavation. |
|---------------------------------|---|
- For constructing dams, fills, or
excavations for the purpose of
supplying water for range livestock.

This practice shall not be eligible
for use in attaining the range-building
goal unless performed according to
specifications outlined by the State
Committee and approved by the Director
of the North Central Division.

e. Wells:

- | | |
|--|----------------------------|
| (1) For drilling or digging wells with
casing not less than 4 inches in
diameter, for the purpose of pro-
viding water for range livestock.
This practice shall not be eligible
for use in attaining the range
building goal unless a windmill or
power pump is installed and the
water is conveyed to a tank or storage
reservoir or if the well is developed
at ranching unit headquarters.
The development of an artesian well
which provides adequate stock water
during the grazing season and from
which the water is conveyed to a tank
or trough will be considered equivalent
to a well for which a windmill or power
pump is installed and the water is
conveyed to a tank or storage reservoir. | \$2.00 per
linear foot. |
| (2) For drilling or digging wells with
casing less than 4 inches but not less
than 2 inches in diameter, for the
purpose of providing water for range | \$1.00 per
linear foot. |

livestock. This practice shall not be eligible for use in attaining the range-building goal unless a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir or if the well is developed at ranching unit headquarters. The development of an artesian well which provides adequate stock water during the grazing season and from which the water is conveyed to a tank or trough will be considered equivalent to a well for which a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir.

Section XIII. Determination of County in Which a Ranching Unit is Located. A ranching unit shall be regarded as located in the county in which its principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the ranching unit is located.

Section XIV. Appeals. Any person who considers himself aggrieved by any recommendation or determination of the county committee with respect to any ranching unit in which he has an interest may, within 15 days after notice thereof is forwarded to or available to him request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters: (a) eligibility to file an application for payment, (b) grazing capacity established for the range land in such ranching unit, or (c) any other matter affecting the right to or the amount of his payment with respect to the ranching unit. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the Director of the North Central Division to review the decision of the State committee.

Section XV. Definitions. For the purpose of the 1938 Jones County, South Dakota, Range Conservation Program,

SECRETARY means the Secretary of Agriculture of the United States.

NORTH CENTRAL REGION means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

NORTH CENTRAL DIVISION means the Division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural and Range Conservation Programs in the North Central Region.

DIRECTOR OF THE NORTH CENTRAL DIVISION means the director of the division of the Agricultural Adjustment Administration in charge of the 1938 Agricultural and Range Conservation Program in the North Central Region.

STATE COMMITTEE means the group of persons designated for any State to assist in the administration of the 1938 Agricultural Conservation and the 1938 Range Conservation Program in such State.

COUNTY AGRICULTURAL CONSERVATION ASSOCIATION or COUNTY ASSOCIATION means the association of the county organized to assist in the administration of the 1938 Agricultural and Range Conservation Programs in such county.

COUNTY COMMITTEE means the group of persons elected for any county to assist in the administration of the 1938 Agricultural Conservation Program and the 1938 Range Conservation Program in such county.

PERSON means an individual, partnership, association, corporation, estate, or trust, and wherever applicable a State, a political subdivision of a State, or any agency thereof.

RANGE BUILDING GOAL means that goal established for the ranching unit under the provisions of subsection A, Section XII.

CUMULATIVE GOAL or YEARLY CUMULATIVE GOAL is that goal established for the ranching unit for each year, 1938, 1939, and 1940, under the provisions of subsection B, Section XII.

RANGE-BUILDING PAYMENT means a payment for the attainment of the yearly cumulative goal approved for the ranching unit.

RANGE-BUILDING ALLOWANCE means the largest amount for any ranching unit which may be earned in any one year as a range-building payment on such ranching unit.

RANCH OPERATOR means a person who as owner, cash tenant, or share tenant operates, or a person who acts in similar capacity in the operation of, a ranching unit in 1938.

RANGE LAND means any land in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage grazed by range livestock, without cultivation or general irrigation. Range land shall not include public domain of the United States, and other lands in which the beneficial ownership is in the United States.

RANCHING UNIT means all range land which is used in 1938 by the ranch operator as a single unit in producing range livestock, with machinery, work-stock, and labor substantially separate from that of any other range land. The ranching unit shall consist of not less than 640 acres of range land.

ANIMAL UNIT means one cow, one horse, five sheep, or five goats, or the equivalent thereof.

GRAZING CAPACITY OF RANGE LAND means the number of animal units which such land will sustain, on a 12-month basis, over a period of years without decreasing the stand of grass or other grazing vegetation, and without injury to the forage, tree growth, or watershed.

(SEAL)

IN TESTIMONY WHEREOF, H. A. Wallace,
Secretary of Agriculture, has hereunto
set his hand and caused the official
seal of the Department of Agriculture
to be affixed in the City of Washington,
District of Columbia, this 9th day of
June, 1938.

H A Wallace

Secretary of Agriculture.